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of the rural constitution (agrarian constitution) of these countries in the eighteenth century, draws us a true picture of "hereditary subjection," of the position of the land power, of the different "subject classes," and of their obligations to this land power. After he has shown us, in an historical review, the origin of these conditions in the previous centuries (before 1689), he takes up the political reforms which were set in motion at the time of the Empress Maria Theresa, and which consisted in the regulation of the obligations of the serfs. In this effort the Austrian government had to have some hard struggles with the representatives of the nobles, with the so-called "estates," who resented every interference of the government in this matter of the compulsory services as an unjustifiable usurpation. The energy of Emperor Joseph II. did, indeed, succeed in breaking the opposition of the estates, and especially in abolishing serfdom; but after his death a reaction set in, and the old order of things continued in only slightly ameliorated form till 1849. The abolition by compensation of compulsory services and the final "emancipation of the peasants" first came after 1848, as a consequence of the revolution in Austria.

This whole social development in the lands of the Bohemian crown is presented to us by the author on a basis of abundant material, and by this work he has rendered a lasting service, not only to the history of civilization in Austria, but also to the history of civilization in Europe. It is to be hoped that the next subject of the emancipation of the peasants in the other Austrian countries may find an equally thorough and careful investigation. Who will follow the author's example?

LUDWIG GUMPLOWICZ.

[Translated from the German by ELLEN C. SEMPLE.]

Ueber die Entwicklung der australischen Eisenbahnpolitik, nebst einer Einleitung über das Problem der Eisenbahnpolitik in Theorie und Praxis. Von Dr. MORITZ KANDT. Pp. xxxiv and 159. Berlin: Mammoth, 1894.

The history of the railway policy of Australia is of interest to Americans, because, starting under circumstances similar in some respects to those of the United States, that country has adopted a very different policy. The monograph before us is the beginning of a more presumptuous work. This part covers simply the experience of the most important colonies, especially Victoria and New South Wales, down to the time of the establishment of government ownership and operation. Dr. Kandt promises us later a discussion of the workings of

the government system to the present, with special reference to the way in which a competent body of officials was obtained by a democracy.

The Australian settlers were Englishmen who carried with them into new homes English institutions, English law and English *laissez faire* theories as to the proper functions of the state. Yet such has been the force of circumstances that they have moved in the direction of the extension of state functions more rapidly, perhaps, than any other part of the world. A careful, guarded, scientific exposition like the one before us, of the successive steps and struggles by which Australia arrived at her present system of railway operation, cannot fail to be instructive.

The first railway project was brought up in 1846 in the colony of New South Wales. At this time Gladstone was Secretary of State for the Colonies, and a dispatch sent by him to the governor of that colony, in that year, outlines the policy that the English cabinet had been, and was at that time, pursuing in relation to railways, and instructs the governor to follow, so far as possible, the same policy. Briefly stated, the main points of the scheme thus outlined by the eminent English statesman for the young colony were:*

1. That every law granting to a private company the right to build and run a railroad should be subject to revision and repeal at any time.

2. That in accordance with the principles of the general statutes then in force in England [7 and 8 Victoria, Chap. 85], the colonial government should retain the right to revise the rate of tolls and fix a new scale in cases where, after twenty-one years, the profits shall exceed fifteen per cent on the basis of seven years' business.

3. That the enabling act should contain provisions for the purchase of the road, if it shall be thought fit by the government, after a certain lapse of time and on definite terms.

4. That while numerous regulations may be necessary, they should not be so used as to hamper private enterprise.

But the realization of the hopes implied in this scheme was to be hindered by the weakness of private enterprise. The demand of the railways for land grants moved the British government to further interference. At the time of the adoption of the new constitution of New South Wales in 1842, an act had been passed regulating the acquisition of public land. By the provisions of this act, such land was to be sold at auction at not less than one pound sterling per acre. Despite much discontent with this method of disposing of land, the British government could be induced to make no greater concession than that the companies might acquire land without an auction at the minimum price.

* The whole dispatch is printed in the *Anhang*.

The first actually incorporated road was chartered in 1846. The important provisions of this charter were in accord with the suggestions of Gladstone's dispatch. The company was obliged to keep their accounts open to public inspection, and the rates could be revised if the dividend exceeded fifteen per cent. After twenty-one years the government had the privilege of purchase of the road at a price equal to twenty-five times the annual earnings on the basis of an average taken from the preceding seven years. In case the government guaranteed the dividends on the stock of the road, it should have a lien on the property of the road. The only clauses of the law not suggested by Gladstone were details such as the provision as to fencing and gates, to keep stray cattle out—a necessity in a stock-raising country.

Other colonies introduced roads about the same time. Some of the regulations adopted by them are of interest in passing. In South Australia it was ordered that the company should allow each shipper to use his own cars and locomotive.

The chief interest, from this time on, centres in Victoria, which began to build roads in 1852. "To write the history of the private roads of Australia," says Dr. Kandt, "is to write the history of failures, since nearly all the private roads which arose on Australian soil led a miserable and short life; and the few which had a longer existence maintained themselves only by the help of extensive support from the state." The author regards the experience of Victoria as typical, and follows it hence through all its course. Unable to obtain land grants, and with weak credit, poor management and small traffic, private roads one after another fell into the hands of the government, to satisfy the claims which arose under the guarantee of interest. Most of the roads were acquired by the government soon after their completion. From 1868-78 there was only one small private road in Victoria. After 1878 the state road system was fully established. Dr. Kandt traces in detail the misfortunes of thirteen roads, and shows the precise grounds for the purchase of them by the state in each case. In conclusion he says, "The difference in conditions in the colonies rendered an imitation of the railway policy of the mother country impossible. Left to themselves and dependent on their own strength, no private roads could prosper in Victoria. Yet even with the support of the government within the bounds of a wise policy which kept the public interest in view, and did not allow railway building to be made the preliminary for land speculation, railway undertakings of great extent were not capable of life. It was not possible, therefore, for the colony of Victoria at that time to create a railway system, following the policy of England, and depending on private companies."

The first step in the direction of a state road system was the purchase of the Melbourne, Mount Alexander, Murray River Railway (running into the gold mining regions) in 1856. The Geelong, Melbourne, and other roads followed soon after. In 1857 came legislation looking to the continuance of railway construction by the government. But the general intention at that time was to lease the roads as soon as possible to private companies. Despite abuses and mismanagement in the government offices for the operation and extension of the roads, the advantages of government ownership and operation became clearer as time went on. So that by 1868 the state road system may be said to have been finally decided upon.

The government entered upon the policy of railroad building on the general principles which had dictated the highway policy of both the colony and the mother country. But the evil experiences with private roads, the difficulties in the way of leasing the roads, the favorable results obtained by state operation, after the initial difficulties had been overcome, the general demand for further railway construction, together with the fostering influence of the general socialistic character of the colony; all this led to the victory of the state railway system as the permanent policy. The main problem from that time on, as Dr. Kandt hints in his announcement of the next part, was how to secure a competent civil service for the roads under a democratic government.

This work was undertaken at the suggestion of Professor Gustav Cohn, of Göttingen, whose work on English railway policy is in a sense supplemented thereby. Dr. Kandt has spent several years in the preliminary investigation at the library of the British Museum, and among the books and records of the Royal Colonial Institute in London. The whole work when completed promises to be of great value.

The book contains a most complete and extremely valuable bibliography on all railway subjects.

CARL C. PLEHN.

Der Kampf ums Recht des Stärkeren und seine Entwicklung. Von HIROYUKI KATŌ. Pp. 154. Price, 3 marks. Berlin: Friedländer & Son, 1894.

The author, formerly president of the University of Tokio, investigates the relation of might to right, a question which has been the subject of much controversy in Europe since Bismark's utterance, "Might goes before right." He arrives at the conclusion that all right does certainly spring only from the advantage of the strong in